

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-20 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 14, and 18, and adding new claims 21 and 22. No new matter is added.

Additional Fees

Submitted herewith is a Petition for Extension of Time with fee and an Excess Claim Fee Payment Letter with fee.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority, but is requested to check box 12-a-3 on form PTOL-326, confirming that a copy of the certified copy of the priority document was received from the IB.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on July 10, 2006.

Drawings

Again, Applicant thanks the Examiner for acknowledging and accepting the drawings filed on July 10, 2006.

Claim Objections

Claim 14 is objected to at page 2 of the Office Action because the word “printers’ varnish” should read “printer’s varnish”.

Applicant is amending the claim to overcome this rejection.

Claim Rejections - § 112

Claim 18 is rejected under 35 U.S.C. § 112, second paragraph, at page 2 of the Office Action, as being indefinite because the word “different” is indefinite since there can be any number of features that can be interpreted as “different”.

Applicant is amending the claim to overcome this rejection.

Art Rejections

1. Claims 1-4, 8, 18 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Renner (US 5,727,687).
2. Claims 5 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner (US 5,727,687).
3. Claims 6, 7, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner (US 5,727,687) in view of Kallstrand et al. (US 5,533,505 - Kallstrand).
4. Claims 11, 13, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner (US 5,727,687) in view of Navarini et al. (US 6,056,141 - Navarini).
5. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner (US 5,727,687) in view of Lippert (US 4,938,414).
6. Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Renner (US 5,727,687) in view of Navarini et al. (US 6,056,141 - Navarini), and further in view of Lippert (US 4,938,414).
7. Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallstrand et al. (US 5,533,505 - Kallstrand) in view of Renner (US 5,727,687).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-4, 8, 18 and 19 In View Of Renner (US 5,727,687).

In rejecting claims 1-4, 8, 18 and 19 in view of Renner (US 5,727,687), the grounds of rejection state:

In reference to Claim 1

Renner discloses a blister strip for use in a fluid or powder inhaler (package for pharmaceutical articles, column 2 lines 31-35), and including a plurality of blisters, each formed by a reservoir (where element 10 sits) including an opening (where element 10 is exposed in Figure 4) that is sealed in leaktight manner by a tearable layer (15) the blister strip being characterized in that it comprises at least a base layer (12) that is provided with openings forming the openings of the blisters, and a cavity layer (11) that is provided with cavities forming the blister walls, said tearable layer comprising a first tearable-layer portion (15) that is disposed between said base layer and said cavity layer, and a second tearable-layer portion (14) that is disposed on the opposite side of said base layer, said first and second tearable-layer portions being connected together at each opening of the base portion (see Figure 2-3).

Office Action at pages 2-3. Applicant respectfully disagrees.

Claim 1 covers a blister strip having a cavity layer (8), forming the cavities. Above the cavity layer is a base layer (6) provided with openings forming the openings of the blisters.

The recited tearable layer has two portions, one portion (7) under the base layer (between the base layer and cavity layer) and one portion (5) above said base layer, the two portions being connected at each opening (see, for example, Fig. 1).

Renner, on the other hand, discloses a cavity layer (deep-drawn element 11), a cover foil 12 and a tearable layer (adhesive foil 15). ***However, there is no base layer provided with openings forming the blister openings.***

In fact, Renner discloses a reclosable flap (see column 2, line 47). The cover foil 12 has pre-cut flaps 14, which open and close with the adhesive foil 15.

Even if one were to consider the cover foil 12 as corresponding to the claimed base layer (in the open position, there are openings formed above the blisters in said cover foil 12), then there is clearly no portion of the tearable layer 15 provided between the base layer 12 and the cavity layer 11, as claimed.

For at least the foregoing difference, Renner can not anticipate claim 1 and the Examiner is kindly requested to reconsider and withdraw the rejection.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 21 and 22, which are also allowable at least due to the configuration of the two tearable layers and the intervening base.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111 Attorney Docket No.: Q95670
Application No.: 10/585,694

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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